

**Board of Supervisors**  
**City and County of San Francisco**  
*Legislative Chamber - Second Floor*  
*City Hall, 1 Dr. Carlton B. Goodlett Place*  
*San Francisco, CA 94102-4689*



**AGENDA**  
**Tuesday, November 18, 2008**  
**2:00 PM**

**Regular Meeting**

---

**AARON PESKIN, PRESIDENT**  
**MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL,**  
**JAKE MCGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL**

**Angela Calvillo, Clerk of the Board**

---

**ROLL CALL AND PLEDGE OF ALLEGIANCE**

**APPROVAL OF MEETING MINUTES**

*Approval of the October 7, 2008 and October 21, 2008 Board Meeting Minutes.*

**AGENDA CHANGES**

**COMMUNICATIONS**

*Note: Each item on the Consent or Regular agenda may include the following documents:*

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

*These items will be available for review at City Hall, Room 244, Reception Desk.*

**CONSENT AGENDA**

*All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.*

**Items 1 through 15**

**Recommendations of the Government Audit and Oversight Committee**

*Present: Supervisors Peskin, Ammiano, Maxwell*

- |    |               |   |                           |
|----|---------------|---|---------------------------|
| 1. | <b>081231</b> | <b>[Local Business Enterprise and Non-Discrimination in Contracting Ordinance]</b>  | <b>Supervisor Maxwell</b> |
|    |               | <i>Ordinance amending the San Francisco Administrative Code by amending Section 14B.8 to direct the Human Rights Commission to assign numeric point values to the good faith outreach steps that bidders must undertake for all public work/construction, architect/engineering, professional service and general service contracts that exceed the minimum competitive amount or threshold amount.</i> |                           |
|    |               | <i>11/4/2008, PASSED ON FIRST READING.</i>  |                           |
|    |               | <b>Question: Shall this Ordinance be FINALLY PASSED?</b>  |                           |
| 2. | <b>081289</b> | <b>[Public Employment - Port of San Francisco (PRT)]</b>  | <b>Mayor</b>              |
|    |               | <i>Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance FY 2008-2009) to reflect the addition of one position (0.50 FTE) Class 5502, Project Manager 1 at the Port of San Francisco (PRT).</i>  |                           |
|    |               | <i>11/4/2008, PASSED ON FIRST READING.</i>  |                           |



\$49,000; the lawsuit was filed on February 26, 2007 in San Francisco Superior Court, Case No. 460-772; entitled Twylah Sperka v. City and County of San Francisco, et al. (City Attorney)

11/4/2008, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

9.           **081166**           **[Settlement of Lawsuit - J. Hadley Louden - \$35,000]**  
Ordinance authorizing settlement of the lawsuit filed by J. Hadley Louden against the City and County of San Francisco for \$35,000; the lawsuit was filed on June 5, 2006 in San Francisco Superior Court, Case No. 06-452880, entitled J. Hadley Louden v. Sgt. Sorgie et al., and removed to the United States District Court, Northern District of California, Case No. 06-04762 MHP, on August 7, 2006. (City Attorney)  
11/4/2008, PASSED ON FIRST READING.  
**Question: Shall this Ordinance be FINALLY PASSED?**
10.           **081205**           **[Settlement of Lawsuit, Gladys DeWitt - \$50,000]**  
Ordinance authorizing settlement of the lawsuit filed by Gladys DeWitt against the City and County of San Francisco for \$50,000; the lawsuit was filed on January 19, 2007 in San Francisco Superior Court, Case No. 459735, and removed, on July 27, 2007, to United States District Court for the Northern District of California, Case No. C-07-03791 PJH, entitled DeWitt v. City and County of San Francisco, et al.  
11/4/2008, PASSED, ON FIRST READING.  
**Question: Shall this Ordinance be FINALLY PASSED?**
11.           **081259**           **[Settlement of Lawsuit - Karen Douma - \$1,695,100.00]**  
Ordinance authorizing settlement of the lawsuit filed by Karen Douma, individually, Karen Douma, as Personal Representative of the Estate Of David Douma, deceased, Jason Douma, individually, Pamela Fay, individually, and David Douma, Jr., individually against SF American Taxicab, Inc., Autos For Hire Rpg, Inc., Alem Belai, City And County Of San Francisco, Regents of The University of California, DOES 1 to 100, jointly and severally for \$1,695,100.00; the lawsuit was filed on August 10, 2007 in San Francisco Superior Court, Case No. CGC-07-466068; entitled Karen Douma, et al., v. SF American Taxicab, Inc., et al. (City Attorney)  
11/4/2008, PASSED ON FIRST READING.  
**Question: Shall this Ordinance be FINALLY PASSED?**
12.           **081260**           **[Settlement of Lawsuit - James R. Figueroa - \$65,000]**  
Ordinance authorizing settlement of James R. Figueroa's claims in the lawsuit filed by James R. Figueroa against the City and County of San Francisco for \$65,000; the lawsuit was filed on September 26, 2007, in the San Francisco Superior Court, Case No. 467599, entitled James Figueroa v. City and County of San Francisco dba Department of Public Works. (City Attorney)  
11/4/2008, PASSED ON FIRST READING.  
**Question: Shall this Ordinance be FINALLY PASSED?**
13.           **081261**           **[Settlement of Lawsuit - Husam Sajjan - \$100,000.00]**  
Ordinance authorizing settlement of the lawsuit filed by Husam Sajjan against the City and County of San Francisco for \$100,000.00; the lawsuit was filed on December 12, 2006 in the San Francisco Superior Court, Case No. 458649; entitled Husam Sajjan v. City and County of San Francisco, et al. (City Attorney)  
11/4/2008, PASSED ON FIRST READING.  
**Question: Shall this Ordinance be FINALLY PASSED?**
14.           **081262**           **[Settlement of Lawsuit - Estate of Nicholas Torrico, et al. - \$150,000.00]**  
Ordinance authorizing settlement of the lawsuit filed by the Estate of Nicholas Torrico, et al. against the City and County of San Francisco for \$150,000.00; the lawsuit was filed on July 13, 2007 in United States District Court, Case No. C07-3624 JCS; entitled Estate of Nicholas Torrico, et al., v. City and County of San Francisco, et al. (City Attorney)  
11/4/2008, PASSED ON FIRST READING.  
**Question: Shall this Ordinance be FINALLY PASSED?**
15.           **081263**           **[Approval of Settlement Agreement before the Federal Energy Regulatory Commission]**  
Ordinance approving a settlement agreement related to the electricity crisis of 2000-2001 in proceedings before the Federal Energy Regulatory Commission and accepting distribution of settlement funds collected by FERC. (City Attorney)

11/4/2008, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

*Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated:\_\_\_\_\_*

**REGULAR AGENDA**

**UNFINISHED BUSINESS**

**From the Budget and Finance Committee Without Recommendation**

*Present: Supervisors McGoldrick, Elsbernd, Mirkarimi*

**16. 081086 [Public Works Code - annual right-of-way occupancy assessment fee for driveways]**

Ordinance amending the Public Works Code by amending Section 716 to establish an annual public right-of-way occupancy assessment fee for the portion of an automobile runway (driveway) that requires modification to the public right-of-way; and making environmental findings.

8/12/2008, SUBSTITUTED. Supervisor McGoldrick submitted a substitute ordinance bearing new title.

10/21/2008, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

10/21/2008, CONTINUED AS AMENDED. Continued as amended to November 18, 2008.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**From the City Operations and Neighborhood Services Committee Without Recommendation**

*Present: Supervisors Chu, McGoldrick, Elsbernd*

**17. 080658 [General advertising on City buildings and street furniture] Supervisor McGoldrick**

Ordinance amending the San Francisco Administrative Code by adding Section 4.20-1 to prohibit any new general advertising signs on street furniture over the number authorized as of January 1, 2008 and to prohibit new general advertising signs visible to the public on the exterior of City-owned buildings as of March 5, 2002; adopting environmental and other findings.

(9/16/08 - Supervisor McGoldrick submitted a substitute ordinance bearing new title.)

9/16/2008, SUBSTITUTED. Supervisor McGoldrick submitted a substitute ordinance bearing new title.

11/4/2008, CONTINUED. Continued to November 18, 2008

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**Recommendation of the Government Audit and Oversight Committee**

*Present: Supervisors Peskin, Ammiano, Maxwell*

**18. 081376 [Municipal Identification Cards] Supervisor Ammiano**

Ordinance amending Section 95.2 of the Administrative Code to revise the documentation requirements for proof of identity and proof of residency for municipal identification card applicants.

11/4/2008, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

**From the Land Use and Economic Development Committee Without Recommendation**

*Present: Supervisors Maxwell, Peskin*

**19. 061438 [Public Works Code - Sidewalk flower-vending stands] Supervisor McGoldrick**

Ordinance amending Public Works Code Sections 156, 157, 159, 160, 161, 162, and 163 to clarify application requirements, to add operating conditions for such stands and establish an abandonment period, to establish an annual public right-of-way occupancy fee, to delete provisions regarding permit assignment to family members of the permittee, to change the criminal penalty for violations from a misdemeanor to an infraction, and to establish administrative penalties for violations; and adding Section 165 concerning the establishment of new sidewalk flower-vending stand locations, including permit application fees.



Ordinance amending Chapter 1 of Article II of the Campaign and Governmental Conduct Code by amending section 2.105 to require registration and disclosure under the Lobbyist Ordinance by persons who lobby the Zoning Administrator, the City Engineer, the County Surveyor, the Bureau Chief of the Department of Public Works' Bureau of Street Use and Mapping, elected officials, or the Director, Assistant Director or Deputy Director of the Planning Department, Department of Building Inspection or Department of Public Works regarding permits, parcel maps or subdivision tract maps.

11/4/2008, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

**26. 081317 [Authorizing Settlement of Attorney's Fees and Costs Claim Following Lawsuit - \$380,000]**

Ordinance authorizing settlement of the claim for attorney's fees and costs incurred by Paula Fiscal, Larry Barsetti, Rebecca Kidder, Dana Drenkoski, John Candido, Alan Byard, Andrew Sirkis, National Rifle Association, Second Amendment Foundation, California Association of Firearm Retailers, Law Enforcement Alliance of America, and San Francisco Veteran Police Officers Association in litigation against the City and County of San Francisco, for \$380,000.00; the lawsuit was filed on December 29, 2005 in San Francisco Superior Court, Case No. CPF-050505960; entitled Fiscal, et al., v. City and County of San Francisco, et al. (City Attorney)

(Supervisor Daly dissented in committee.)

11/4/2008, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

**NEW BUSINESS**

**Recommendations of the Budget and Finance Committee**

*Present: Supervisors McGoldrick, Elsbernd, Mirkarimi*

**27. 081270 [Accept and Expend Public Safety Interoperable Communications Grant and Amend Annual Salary Ordinance, FY 2008-2009 - \$14,941,976.82] Supervisor Alioto-Pier**

Ordinance authorizing the Department of Emergency Management (DEM), as fiscal agent for multiple local jurisdictions, to retroactively accept and expend a Public Safety Interoperable Communications grant in the amount of \$14,941,976.82 from the United States Department of Commerce and to provide \$451,122 as San Francisco's portion of required matching funds; and amending Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) to reflect the addition of two grant-funded positions (.58 FTE - 0941 Manager VI and .58 FTE - 0931 Manager III) in the Department of Emergency Management.

(Fiscal Impact.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**28. 081218 [Amendment to Settlement Agreement with Pacific Gas and Electric Company - Federal ID No. 94-0742640]**

Resolution retroactively authorizing the Port to execute an amendment to the settlement agreement between Pacific Gas and Electric Company (PG&E) and the City and County of San Francisco, dated June 14, 2005, in the matter of PG&E's petition for relief under the Bankruptcy Code (Federal ID No. 94-0742640). The settlement resolves a claim of encroachment by PG&E's Hunter's Point Power Plant on Custer, Davidson, India and Ingalls Streets, by: (1) extending PG&E's right to continue occupying approximately 35,465 square feet of Custer and Davidson Streets until July 31, 2012, and to continue occupying approximately 56,484 square feet of Custer, Davidson, India and Ingalls Streets until July 31, 2016, with option to extend each period of occupancy for periods of 6 months at a time with the Port's prior written consent; and (2) delaying the commencement date of a 5-year lease to PG&E of approximately 1,421 square feet of Davidson Street from January 1, 2008 to August 1, 2012. (Port)

**Question: Shall this Resolution be ADOPTED?**

**29. 081266 [WSIP Agreement No. CS-914, Bay Division Regional Construction Management Services]**

Resolution approving the selection of Jacobs Engineering; awards Water System Improvement Program-funded Agreement No. CS-914, Bay Division Regional Construction Management Services. (Public Utilities Commission)

(Fiscal Impact.)

**Question: Shall this Resolution be ADOPTED?**

**30. 081273 [Lease of Real Property at 25 Van Ness, Lower Level, to New Conservatory Theatre Center] Supervisors Ammiano, Dufty**

Resolution authorizing the lease of approximately 12,792 rentable square feet of space to New Conservatory Theatre

Center, a California non-profit corporation, in the lower level of 25 Van Ness, San Francisco.

**Question: Shall this Resolution be ADOPTED?**

31. 081336 [Accept and Expend grant funds to support a juvenile mental health program - \$200,000] **Supervisor Maxwell**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$200,000 from the United States Department of Justice, for a project entitled "AIIM Higher," for the period of September 1, 2008 through August 31, 2010.

**Question: Shall this Resolution be ADOPTED?**

32. 081353 [Approval of a contract for the Department of Public Health - \$16,472,460]

Resolution authorizing the San Francisco Department of Public Health to enter into a contract for fiscal intermediary services related to the San Francisco Mental Health Plan's for Private Provider Network, residential care facilities, and for mental health wraparound services for the term of January 1, 2009 through December 31, 2009.

**Question: Shall this Resolution be ADOPTED?**

*Present: Supervisors McGoldrick, Mirkarimi*

33. 081343 [Appropriating \$34,755,000 of bond sale proceeds and Library Preservation Fund balance for improvements and construction of San Francisco Public Library Facilities in Fiscal Year 2008-2009] **Mayor**

Ordinance appropriating \$34,755,000 of bond sale proceeds, unappropriated fund balance and unappropriated general reserve for improvements and construction of San Francisco Public Library Facilities in Fiscal Year 2008-2009. Place on Controller's Reserve \$33,955,000 of the bond sale proceeds pending sale of the bond.

(Fiscal Impact.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

34. 081344 [Appropriating \$13,222,746 of State Proposition 1B Revenue for Street Resurfacing Projects in the Department of Public Works for Fiscal Year 2008-2009] **Mayor, Supervisor Elsbernd**

Ordinance appropriating \$13,222,746 of FY 2008-09 State Proposition 1B Local Streets and Roads Improvement funds for road maintenance and resurfacing projects in the Department of Public Works for Fiscal Year 2008-2009. The department will use the funds to implement road maintenance and resurfacing projects at various locations.

(Fiscal Impact.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

35. 081345 [Lease Financing for Library Projects] **Mayor**

Ordinance approving the issuance and sale of lease revenue bonds to finance various projects under the Branch Library Improvement Program, as further described herein; approving the form of a Facilities Lease by and between the City and County of San Francisco Finance Corporation (the "Corporation") and the City and County of San Francisco (the "City") relating to certain real property described herein; approving the form of a Master Lease by and between the Corporation and the City; approving the form of a Master Trust Agreement by and between the Corporation and a trustee (including certain indemnities contained therein); authorizing the selection of a trustee; approving the form of an Assignment Agreement by and between the Corporation and a trustee; approving the form of an Official Notice of Sale and a Notice of Intention to Sell the lease revenue bonds; directing the publication of the Notice of Intention to Sell the lease revenue bonds; approving the form of a Purchase Contract and authorizing the appointment of one or more underwriters for the lease revenue bonds; approving the form of an Official Statement in preliminary and final form and directing the Controller to return to the Board at a later date with a revised official statement; approving the form of a Continuing Disclosure Certificate; authorizing the payment of cost of issuance; authorizing the reimbursement of certain expenditures; granting general authority to City officials to take certain actions in connection with the lease revenue bonds; approving modifications to documents; adopting findings under the California Environmental Quality Act ("CEQA") and findings pursuant to City Planning Code Section 101.1 and City Administrative Code Section 2A.53; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

36. 081384 [Transfer of Responsibilities for Court Facilities] **Mayor**





42. 081381 [Hearing - Ground Lease of Redevelopment Agency Land for 365 Fulton Street Supportive Housing] Supervisor Mirkarimi
- Hearing of persons interested in or objecting to proposed resolution approving the Redevelopment Agency of the City and County of San Francisco's Ground Lease (the "Ground Lease") for Block 792, Lot 28, commonly known as Central Freeway Parcel G Supportive Housing (the "Project") at 365 Fulton Street, southeast corner of Fulton and Gough Streets, San Francisco, California (the "Site") in the Western Addition A-2 Redevelopment Project Area, to 365 FULTON, L.P., a California limited partnership, for 65 years for the purpose of developing housing for very low-income formerly homeless residents.

Action: \_\_\_\_\_

43. 081382 [Ground Lease of Redevelopment Agency Land for 365 Fulton Street Supportive Housing] Supervisor Mirkarimi
- Resolution approving the Redevelopment Agency of the City and County of San Francisco's Ground Lease (the "Ground Lease") for Block 792, Lot 28, commonly known as Central Freeway Parcel G Supportive Housing (the "Project") at 365 Fulton Street, southeast corner of Fulton and Gough Streets, San Francisco, California (the "Site") in the Western Addition A-2 Redevelopment Project Area, to 365 FULTON, L.P., a California limited partnership, for 65 years for the purpose of developing housing for very low-income formerly homeless residents.

Question: Shall this Resolution be ADOPTED?

#### SPECIAL ORDER 3:30 P.M - Recognition of Commendations

#### SPECIAL ORDER 4:00 P.M.

##### APPEAL PROCEDURES

Board Rule 4.29 provides that public hearings on appeals shall be scheduled for 4pm. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 4 pm. An appeal shall not be heard prior to its scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 4pm:

1. Appeals where all parties have agreed to request a continuance or a tabling of the appeal.
2. Continued appeals from previous Board meetings (continued appeals will be listed in order of those closest to deadlines for Board decision).
3. Appeals appearing on the calendar for the first time, in chronological order of receipt by the Clerk.
4. Multiple appeals appearing on the calendar may be staggered at times specific, beginning at 4pm.
5. Appeals involving participants who have ADA considerations may be set for specific times beginning at 4pm.

44. 081365 [Public Hearing - Appeal of Final Environmental Impact Report for the 690 Stanyan Street Project]
- Hearing of persons interested in or objecting to the Planning Commission's October 23, 2008 certification of a Final Environmental Impact Report identified as Planning No. 2006.0460E, through it's Motion No. 17732, for a proposed development at 690 Stanyan Street, Assessors Block No. 1228, Lots 005 and 006. (Appellant: Regan Caponi)
- (Filed 10/24/08; Companion measure to 081366, 081367, 081368)

Action: \_\_\_\_\_

*Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Final Environmental Impact Report described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.*

**(Only one of the following two motions should be approved.)**

45. 081366 [Affirming certification of 690 Stanyan Street Project FEIR]
- Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 690 Stanyan Street Project. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

46. 081367 [Disapproving certification of 690 Stanyan Street Project FEIR]
- Motion disapproving the certification by the Planning Commission of the Final Environmental Impact Report for 690 Stanyan Street Project. (Clerk of the Board)

**Question: Shall this Motion be APPROVED?**

47. 081368 [Preparation of findings to disapprove certification of 690 Stanyan Street Project FEIR]

Motion directing the Clerk of the Board to prepare findings disapproving the certification by the Planning Commission of the Final Environmental Impact Report for the 690 Stanyan Street Project FEIR. (Clerk of the Board)

**Question: Shall this Motion be APPROVED?**

## COMMITTEE REPORTS

*Reports from committees, if any, recommending emergency or urgent measures.*

*The following items will be considered by the Land Use & Economic Development Committee at a Regular Meeting on Monday, November 17, 2008 at 1:30 p.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, November 18, 2008.*

48. 081235 [Subdivision Code - notice and appeal procedures, DBI review fee] **Supervisor Peskin**  
Ordinance amending the Subdivision Code Section 1313 to modify noticing procedures for subdivision applications and delete the Department of Public Works appeal hearing on engineering and surveying matters; amending Section 1314 concerning appellants so that it conforms with the California Subdivision Map Act; amending Section 1359 to conform with the abovementioned amendments; amending Section 1315 to include a processing fee for all subdivisions that the Department of Building Inspection reviews; and making environmental findings.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

49. 081247 [Zoning - Conditional use authorization for new development in the Bernal South Slope Area] **Supervisor Ammiano**  
Ordinance amending Planning Code Section 242 to require conditional use authorization for new development in the Bernal South Slope Area, and making findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

50. 081152 [Approving General Plan Amendments Related to the Eastern Neighborhoods Area Plans - the Mission, East SoMa, Showplace Square/Potrero Hill and Central Waterfront Area Plans]  
Ordinance amending the San Francisco General Plan by adding four new area plans, entitled the Mission Area Plan, the East South of Market (East SoMa) Area Plan, the Showplace Square/Potrero Hill Area Plan and the Central Waterfront Area Plan and approving General Plan amendments to implement the four aforementioned Eastern Neighborhoods Area Plans by amending the Commerce and Industry and Recreation and Open Space Elements, the Land Use Index, and the South of Market, Northeastern Waterfront, and Central Waterfront Area Plans; making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1. (Planning Department)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

51. 081153 [Planning Code amendments for the Eastern Neighborhoods Area Plans]  
Ordinance amending the San Francisco Planning Code by adding and amending various sections to implement the four Eastern Neighborhood Area Plans comprised of the East SoMa, the Mission, the Showplace Square/Potrero Hill, and the Central Waterfront Area Plans; adopting in-lieu fees for on-site open space, trees, and affordable housing; adopting the Eastern Neighborhoods impact fee subject to certain restrictions; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Planning Department)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

52. 081154 [Zoning Map Amendments in connection with the Eastern Neighborhoods Area Plans]  
Ordinance amending Zoning Map Sheets ZN01, ZN07, ZN08, HT01, HT07, HT08 and SU08 of the City and County of San Francisco Planning Code with revised use districts and height and bulk districts within the four Eastern Neighborhoods Planning Areas comprised of the East South of Market, Mission, Showplace Square/Potrero Hill and Central Waterfront Area Plans; and creating four special use districts for Life Science and Medical Special Use District bounded generally by Mariposa Street to the north, Illinois Street to the west, Iowa Street to the east, and 23rd Street to the south; for Innovative Industries Incubator Special Use District bounded generally by 3rd Street to the west, Illinois Street to the east, 20th Street to the north and 23rd Street to the south; for Transit Oriented Retail Special Use District on 16th Street bounded generally by Capp Street to the east, Potrero Avenue to the west, 15th Street to the north and 17th Street to the south; for Integrative

PDR Special Use District bounded generally by Cesar Chavez Street to the south, Pennsylvania and Iowa Street to the west, 23rd Street to the north and Michigan and Maryland Streets to the east; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Department)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

53. 081155

**[Eastern Neighborhoods Area Plans - monitoring program, CAC, integrated PDR TIDF fee]**

Ordinance amending the Administrative Code Chapter 10E to establish the Eastern Neighborhoods Monitoring Program for purposes of reviewing the effectiveness of the Eastern Neighborhoods Area Plans and implementation of specified improvements, the Integrated PDR Reporting program, and the Eastern Neighborhoods Citizens Advisory Committee; amending Administrative Code Chapter 38, Sections 38.1, 38.3, and 38.10 to create a Transit Impact Development Fee for Integrated PDR; and adopting environmental findings. (Planning Department)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

54. 081332

**[Zoning - Mission District Housing and PDR Replacement Program]**

**Supervisor Maxwell**

Ordinance amending the Planning Code to add Section 319.5 to adopt specified affordable housing requirements in the UMU zone within the Mission Plan Area, in RTO-Mission, and in the Valencia Street, 24th and Mission Streets, and the Mission Street NCTs, including in-lieu affordable housing fees; adding Section 231.1 to establish a PDR replacement program, including an in-lieu PDR Replacement fee, in these same zones; and adopting environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1(b).

(Economic Impact.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

55. 081333

**[Zoning - SoMa Youth and Family Zone Special Use Districts]**

**Supervisor Maxwell**

Ordinance amending the San Francisco Planning Code by adding Section 249.41 and amending various sheets of the Zoning Map of the City and County of San Francisco to establish the South of Market (SoMa) Youth and Family Zone Special Use District, bounded generally by Natoma Street on the north, Harrison Street on the south, 4th Street on the east, and 7th Street on the west, to address youth and family concerns and expand affordable housing opportunities, including establishment of in-lieu affordable housing fees; and adopting environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1(b).

(Economic Impact.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

56. 081334

**[Zoning - Potrero Center Mixed-Use Special Use District]**

**Supervisor Maxwell**

Ordinance amending the San Francisco Planning Code by adding Section 249.40 and amending Sheet SU08 of the Zoning Map of the City and County of San Francisco to establish the Potrero Center Mixed-Use Special Use District for the existing shopping center at 2300 16th Street between Bryant Street and Potrero Avenue (Assessor's Block 3930A Lot 002); and adopting environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1(b).

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

57. 081339

**[Zoning - Publicly-owned properties in the Eastern Neighborhoods]**

**Supervisor Peskin**

Ordinance amending the Zoning Map of the City and County of San Francisco to rezone various publicly-owned properties in the Eastern Neighborhoods Plan Area to a "P" (Public) zoning district; and adopting environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1(b).

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

58. 080934

**[Requiring Air Quality Assessment and Ventilation for Certain Urban Infill Residential Developments]**

**Supervisor Ammiano**

Ordinance amending the San Francisco Health Code by adding new Article 38 to require air quality assessment and ventilation for certain urban infill residential developments; amending the San Francisco Building Code by adding a third paragraph to Section 1203.5 and amending the San Francisco Mechanical Code by adding new Section 419 to require special ventilation systems for certain urban infill residential developments; making environmental findings; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission.

(Economic Impact.)

**Question: Shall this Ordinance be FINALLY PASSED?**



**Question: Shall this Resolution be ADOPTED?**

65. 081407 [Commending Tina Modotti] **Supervisor Peskin**  
Resolution commending Tina Modotti an independent, liberated woman of incredible talent, intelligence and social commitment who resided in San Francisco in 1913 through 1918.  
11/4/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

66. 081408 [Urging the San Francisco Municipal Transportation Agency's Board of Directors to change the name of the MUNI Metro East Maintenance Facility to the "Willie L. Brown, Jr. Light Rail Facility"] **Supervisor McGoldrick**  
Resolution urging the San Francisco Municipal Transportation Agency's Board of Directors to change the name of the Metro East Maintenance Facility to the "Willie L. Brown, Jr. Light Rail Facility."  
11/4/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

67. 081409 [Brady Street Memorial] **Supervisor McGoldrick**  
Resolution dedicating Brady Street in San Francisco to the memory of Margaret and Bernard Brady and recognizing the other historical figures for whom the street was named.  
11/4/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

68. 081406 [2009 Board of Supervisors Regular Meeting Schedule]  
Motion revising the 2009 Board of Supervisors regular meeting schedule by canceling the Board meetings of January 20, February 17, May 26, September 8, September 29, October 13, and December 1; and by further canceling all Board and Committee meetings during the summer and winter breaks from August 19 through September 8, 2009 and December 16 through December 31, 2009. (Clerk of the Board)  
11/4/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Motion be APPROVED?**

69. 081410 [Approval of a historical property contract for 690 Market Street ("Chronicle Building")] **Supervisor Peskin**  
Resolution under Chapter 71 of the San Francisco Administrative Code, approving an historical property contract between RC Chronicle Building LP and 690 Market Master Association, a nonprofit mutual public benefit association, the owners of 690 Market Street ("Chronicle Building"), and the City and County of San Francisco; authorizing the Director of Planning and the Assessor to execute the historical property contract.  
11/12/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

70. 081411 [Opposing location of proposed Presidio Fine Arts Museum] **Supervisor Peskin**  
Resolution declaring official City policy opposing preferred alternatives 2 and 2A in the San Francisco Presidio Trust's Draft Supplemental Environmental Impact Statement (DSEIS) that propose the construction of a large hotel and museum facility in the Presidio.  
11/12/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

71. 081412 [Appointment - Treasury Oversight Committee, Todd Rydstrom] **Supervisor Peskin**  
Resolution appointing Todd Rydstrom, term ending June 5, 2009, to the Treasury Oversight Committee, residency requirement waived.  
11/12/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

72. **081413** [Taking File #081015 - Mirant Power Plant retrofit - from the Table] **Supervisors Peskin, Maxwell**  
Motion pursuant to Board of Supervisors Rule 4.31 to remove File #081015 from the table for consideration at the next Board meeting, on Tuesday November 25th.

11/12/2008, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Motion be APPROVED?**

Questions on the For Adoption Without Committee Reference Agenda: \_\_\_\_\_

73. **IMPERATIVE AGENDA**

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).*

*[Serious Injury Finding]*

*Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."*

*[Purely Commendatory Finding]*

*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

*[Brown Act Finding]*

*Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

**OFF-AGENDA LEGISLATION**

**PROPOSED ORDINANCES**

*Proposed ordinances received from October 28, 2008 to November 10, 2008, for reference by President to appropriate committee on November 18, 2008.*

**PROPOSED RESOLUTIONS**

*Proposed resolutions received from October 28, 2008 to November 10, 2008, for reference by President to appropriate committee on November 18, 2008.*

**081414** [Reaffirming and Restating Finding of Fiscal Feasibility for the revised Exploratorium Project at Piers 15/17 and Finding of Lease Exemption from Competitive Bidding Policy; Endorsing Amended and Restated Term Sheet]

Resolution reaffirming and restating the Board of Supervisor's prior findings that the revised Exploratorium Project at Piers 15/17 is fiscally feasible and responsible pursuant to Administrative Code Chapter 29 and is exempt from the competitive bidding policy set forth in Administrative Code Section 2.6-1, and endorsing the Amended and Restated Term Sheet between the Exploratorium and the San Francisco Port Commission. (Port)

10/31/2008, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**081415** [Approval of Port Lease for TCHO Ventures, Inc. at Pier 17]

Resolution approving Port Commission Lease No. L-14584 with TCHO Ventures, Inc. ("TCHO") for a five (5) year term for certain real property located at Pier 17 in the City and County of San Francisco.

10/31/2008, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**081416** [Approving Seven Technology Store Contracts pursuant to Charter Section 9.118(b)]

Resolution approving the award of seven contracts for Technology Store purchases pursuant to San Francisco Charter Section 9.118(b). (Office of Contract Administration)

11/7/2008, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**081417 [Purchase of Real Property located at 5033 Third Street, San Francisco for the Public Library]**

Resolution authorizing the execution and performance of an Agreement of Purchase and Sale for Real Estate between the City and County of San Francisco and Doug Wong and Pearl Yee Wong, husband and wife, as joint tenants (the "Seller"), for the purchase of real property and improvements located at 5027 - 5033 Third Street, San Francisco, to expand the Bayview/ Anna E Waden Branch Library of the San Francisco Public Library; adopting findings under the California Environmental Quality Act; and adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1. (Real Estate Department)

11/10/2008, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**081428 [Petitions and Communications]**

Petitions and Communications received from October 28, 2008 through November 10, 2008 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on November 18, 2008.

From Port of San Francisco, submitting FY 2008-09 first quarter report for contracting activity.(1)

From Office of the Controller, submitting revised tax revenue projections for FY 2008-09. Copy: Each Supervisor.(2)

From Recreation and Park Department, submitting report for the first quarter of FY 2008-09 in response to the requirements of Resolution 157-99 Lead Poisoning Prevention.(3)

From Mayor Newsom, communicating his decision not to sign the proposed ordinance regarding new controls on small businesses in North Beach Commercial District. File 080696, Copy: Each Supervisor.(4)

From Office of City Administrator, responding to Board of Supervisors Inquiry. (Reference 20080909-014).(5)

From Municipal Transportation Agency, submitting the Tow Refund Reports for second and third quarters of 2008.(6)

From Municipal Transportation Agency, responding to Board of Supervisors Inquiry. (Reference 20081007-003).(7)

From Jeff Porter, suggesting more buses to accommodate riders during peak times. Copy: Each Supervisor.(8)

From Brennan McBride, commenting on noise control ordinance. File 081119, Copy: Each Supervisor.(9)

From Department of the Environment, regarding San Francisco Energy Watch (SFEW) program. (Reference 20081007-001).(10)

From a concern citizen, regarding Proposition H Wind Turbines Installed on PG&E HQ.(11)

From concern citizen, submitting abuse news report #3896, #3892, #3895, #3837, and #3897 by John Jenkel.(12)

From Office of the Treasurer, submitting investment activity for the FY 2008-09 first quarter report of the portfolios under Treasurer's management.(13)

From San Mateo County Transit District, submitting progress report for FY 2008. Copy: Each Supervisor.(14)

From Alameda Creek Alliance, submitting a letter on inadequacy of the Program Environmental Impact Report for the San Francisco Public Utilities Commission's Water System Improvement Program.(15)

From Planning Department, submitting a letter requesting release of reserved funds.(16)

From concerned citizens, commenting on Community Choice Energy. 45 letters.(17)

From Department of Public Health, regarding Immune Enhancement Project. Copy: Each Supervisor.(18)

From Xia Xu, regarding 169-181 Sixth Street at Natoma Street Hospitality House. Copy: Supervisor Daly.(19)

From Capital Planning Committee, submitting recommendations on Authorization of Library Preservation Fund Leave Revenue Bonds, Supplemental Appropriation of Lease Revenue Bonds for Branch Library Improvement Program, and Supplemental Appropriation of Proposition 1B Funding for the Department of Public Works' Street Resurfacing Program. Copy: Each Supervisor.(20)

From Seacliff Properties Association, submitting a letter regarding Lincoln Park Golf Course.(21)

From Christine Harris, commenting on safety and security issues.(22)

From Aaron Goodman, submitting comments regarding Case No. 2007.1275E San Francisco 2004 Housing Element. Copy: Each Supervisor(23)

From Office of the Controller, informing the Mayor and Board of Supervisors that the Controller's Office is revising its revenue estimates for the current fiscal year given the economic slowdown.(24)

From Lloyd Schloegel, submitting information regarding alleged voter fraud in San Francisco.(25)

From the Arts Commission, submitting report for the first quarter of FY 2008-09 with the explanation for the Arts Commission expenditures.(26)

From Municipal Transportation Agency, submitting request for waiver of Administrative Code Chapter 12B to purchase LRV parts from Transtech.(27)

From Department of Elections, regarding Civic Center parking changes for the November 4, 2008 Consolidated General Election.(28)

From Biodiesel Access Task Force, submitting report of activities at the Biodiesel Access Task Force.(29)

From Civil Service Commission, submitting amendments to the Civil Service Commission Rules applicable to Service-Critical Classes of the Municipal Transportation Agency Rule 403.3 Discrimination Complaints.(30)

From Department of Public Health, submitting request for waiver of Administrative Code Chapters 12B and 14B to renew the laundry services contract with Metro Park Laundry for 2 additional years or until the laundry facility at Laguna Honda Hospital becomes operational.(31)

From Office of the City Attorney, regarding timeliness of an appeal filed for an Ice Rink Permit at Union Square.(32)

From Branch Library Improvement Program, submitting the Branch Library Improvement Program's 2000 Improvement Bond Quarterly Report for the 3rd Quarter of 2008.(33)

From State Commission of Fish and Game, submitting proposed emergency regulatory action relating to incidental take of longfin smelt.(34)

From Airport Commission, submitting compliance audit of MN Airlines, LLC dba Sun Country Airlines.(35)

From Hanson Bridgett, submitting request for notice of appeal from Planning Commission Certification of PEIR on Water System Improvement Program. Copy: Joy(36)

From United Brotherhood of Carpenters and Joiners of America, regarding potential problems with the proposed fee waiver for hiring local residents from disadvantaged neighborhoods. Copy: Land Use Committee(37)

From Mayor Gavin Newsom, submitting notice that he will be out of state from November 9, 2008 and returning on November 13, 2008. Copy: Each Supervisor, City Attorney, 3 Deputy Directors(38)

From Tenants 769 North Point, regarding construction project at 2650-52 Hyde Street.(39)

From Charles Lemmon, submitting support for full funding and support for a LAFCO approved Community.(40)

From Mark Dean, regarding message from Muni to vote yes on Proposition 8. Copy: Each Supervisor(41)

From Bernard Choden, regarding the Environmental Impact Report for the 2004 Housing Element.Copy: Each Supervisor(42)

From Greg Griffin, regarding the summons he received from Department of Public Health that he could no longer provide massage services at his place of business.(43)

From Cherry Elliot, commenting that the bus shelters in San Francisco are filthy.(44)

From Neil Signo, proposing that anyone caught drinking alcohol under the age of 22 be removed and erased from the University System while being a student.

## **ADJOURNMENT**

### **Meeting Procedures**

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons



testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

**USING LAPTOP COMPUTERS FOR PRESENTATIONS:** Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

The agenda packet and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at [www.sfgov.org/site/bos\\_meetings](http://www.sfgov.org/site/bos_meetings) For information, call (415) 554-5184.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

**AVISO EN ESPAÑOL:** La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.



### **Disability access**

The Legislative Chamber and the Committee Room in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, N and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)